

LOCAL PLANNING AGENCY
FEBRUARY 14, 2007

1. ROLL CALL

The meeting was called to order at 9:37 p.m. Board members present were Vice-Chair Scott McLaughlin, Philip Busey, and Mimi Turin. Also present were Attorney Julie Klahr, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planners David Abramson, Ingrid Allen and Lise Bazinet, and Board Secretary Janet Gale recording the meeting. Chair Mike Bender and John Stevens were absent.

2. PUBLIC HEARING

Text Amendments

- 2.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 4-1-06, TOWN OF DAVIE)

Ms. Gale read the ordinance by title. Ms. Allen read the planning report.

Mr. Busey asked what was planned for State Road 441 insofar as future land uses which may be impacted by expanding the definition. Ms. Allen spoke about the Transit Oriented Corridor (TOC), which the Town had adopted on March 1, 2006, and which proposed a mixed-use redevelopment of the area. She clarified that the TOC could be an adjacent use.

Sam Poole, representing Mr. Danielle, was present. He distributed a portion of the agreement from when the Town annexed Hacienda Village and which stated that the zoning of Mr. Danielle's property was to be preserved. Mr. Poole spoke of how the junkyard has evolved into a recycling business supplying clients around the world. He added that the business was highly regulated by local, state, federal and environmental agencies; however, it was difficult to obtain building permits because the zoning Code for the Town was still at odds with the zoning that existed in 1984 at the time of the annexation. Efforts have been underway for the past three years to develop language in order to modify the Code for the M-3 district and to accommodate the kinds of uses that have been going on in Mr. Danielle's business for decades. Mr. Poole likened the proposed ordinance to a "work in progress" noting that modifications were expected; however, there were some principles involved that he would like to focus on. The first was that the businesses that Mr. Danielle operated at the facility became permanent uses in the Code rather than being "grandfathered" uses. Secondly, that the permanent uses not be limited to only those currently in operation, but that there be sufficient flexibility provided to adapt to new markets as new markets emerged. Third, that essential practices such as the outdoor storage of

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inventory be permitted in the district. And fourth, that a reasonable approach to establishing setbacks provide sufficient interior space within the perimeter walls to actually conduct business.

While Mr. Danielle hoped for the success of the TOC mixed use development for the area, Mr. Poole indicated that noise would be an issue because the facility was in the direct flight path of the Fort Lauderdale/Hollywood Airport. Any residential use that occurred in the area would have to conform to some very strict noise standards in their construction. Mr. Poole explained that Mr. Danielle did not want to end up with property that was so constrained by setbacks from adjacent uses that he would have no place to operate his business. Their intention was to work with the Town Administrator and staff to develop language to flow in a more rational way to make sure that it read consistently. Mr. Poole reminded the Agency that the subject facility was separated from anything to the north by Oakes Road and to the west by SW 47 Avenue. He asked that the Agency address any issues it had and contribute its input on the language for the draft so that it would be acceptable for the Town and not have the negative impacts that staff was concerned about.

Mr. Busey asked how the Town would address noise. Mr. Poole said that there were decibel limitations that could be set to control noise; however, because this location was under the flight path, the background noise from the air traffic was louder than the noises created by the operations of the facility itself.

Ms. Turin asked Mr. Poole to address why the setbacks were going from 25-feet to 0. He responded that currently, the eight-foot wall on SW 47 Avenue was setback ten feet from the property line with landscaping. There was no conflict because the street served as a separation; however, in the future, if mixed-uses moved closer, there would have to be adjustments made in the language to account for that situation.

Ms. Turin asked about the landscaping standards as she understood it would be exempt for the first 108,900 square-feet. Mr. Poole found that section confusing and was unclear how that language evolved. He assured that the intent was to conform to the terms of the amount of plant material required by Code within the Town's industrial district. If there was no room for all the material to fit on the property, it would go for mitigation which was the same route required for other applicants.

Vice-Chair McLaughlin asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Mr. Busey asked if it was the intention of the TOC to locate residential uses near industrial. Ms. Allen responded affirmatively. Mr. Busey did not have a problem in placing the TOC mixed use near to an established industrial use since it was already there and people would be aware that they were moving next to it; however, he expressed concern about displacing existing businesses. Ms. Allen agreed that location was not the issue; it was a matter of expansion since the Code did not allow for the expansion of a non-conforming use.

Vice-Chair McLaughlin asked if Ms. Nolan would refresh the Agency on the M-3 and M-4 industrial categories. Ms. Nolan spoke of how the Town inherited Broward County and Hacienda Village zoning categories through annexations. Broward County had repealed all their industrial zoning designations, specifically the M-4. If a municipality was to ask the County staff for an interpretation of the M-4 zoning, legal counsel advised them not to give it. Since the Town was "stuck" with these old Codes, an ordinance had been passed which required that all properties that had non-valid zoning districts to rezone to a zoning district of the Town prior to any kind of development permits being issued. Unfortunately, the Town's M-3 did not allow for junkyards to be a legal conforming use.

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Ms. Nolan explained that the applicant proposed this Code amendment in an attempt to try to create legal conformities within the M-3 zoning district for existing uses. She indicated that this has been an ongoing effort for approximately four to five years to have all the non-conforming zoning districts become Town of Davie zoning districts. After some discussion and several questions, Ms. Nolan clarified that the issue before the Agency was to allow junkyards to be legal permitted uses and, therefore, changing the language in the Code was the first step.

Vice-Chair McLaughlin asked if the County had a zoning district which allowed junkyard operations. Mr. Poole indicated that under M-3 zoning with the County, automobile, truck and recreational vehicle salvage was recognized. It was moved from M-4 to M-3.

Vice-Chair McLaughlin asked why the Town did not move junkyards into its own M-3 zoning district. Ms. Nolan responded that when the ordinance was being developed everyone was in agreement that as long as the junkyards were within its existing confines, there was no problem. It was the possibility for intensification of this use that was of a concern and, therefore, was left as a legal non-conforming use. At Mr. Danielle's request, these public hearings were part of the process in gathering input in an attempt to amend the Code to allow junkyards to be a legal use in the Town's M-3 zoning district.

Mr. Poole clarified that it was the intent of the petitioner that the word "expansion" not only include a physical area, but to include uses that Mr. Danielle's business may adapt as the market changed.

Mr. Busey did not have any obvious reservations; however, he was curious about what staff thought about the use expansion and what the limits were. Ms. Nolan indicated that staff was concerned not only about expanding the uses, it was concerned about intensifying the use. She asked that the Agency be very clear in defining the uses that would be allowed.

Ms. Turin expressed that staff's recommendations were to be seriously considered and she understood that there would be ramifications to whatever was decided. She indicated that there was a lot of information to absorb and that she appreciated the insight of Chair Bender and Mr. Stevens, both of whom were absent. Ms. Turin suggested that since there was no urgency to the item, that it be tabled and if there was a full board, action could be taken at that time.

Mr. Busey asked to be allowed to visit the business with a member of staff accompanying him. Mr. Dell offered to visit the business with Mr. Busey if Ms. Allen was not able.

Ms. Turin made a motion, seconded by Mr. Busey, to table to March 14, 2007. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – absent; Ms. Turin – yes. **(Motion carried 3-0)**

- 2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER SITE PLAN APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 1-1-07, TOWN OF DAVIE)

Ms. Gale read the ordinance by title. Mr. Abramson explained what lead to the development of this ordinance which was mostly due to new regulations required during the reviewing process by other agencies. He advised that a survey confirmed that this request was consistent with other cities.

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Vice-Chair McLaughlin asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Turin had specific wording clarified by Mr. Abramson.

Mr. Busey asked if this would just delay the process further. Mr. Dell explained that his Division did not anticipate any further changes and it would allow Broward County and the Central Broward Water Management District more time to review applications based on new ordinances and Codes.

Ms. Turin made a motion, seconded by Vice-Chair McLaughlin, to approve. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – absent; Ms. Turin – yes. **(Motion carried 3-0)**

3. OLD BUSINESS

There was no old business discussed.

4. NEW BUSINESS

There was no new business discussed.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

6. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 10:45 p.m.

Date Approved: _____

Chair/Agency Member